

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *[Signature]* D.C.  
05 DEC -7 PM 3:47

DENETRICE SMITH, As Administratrix of  
the Estate of Alexander Smith, Deceased

THOMAS M. GOULD  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

Plaintiffs,

v.

NO. 05 – 2667 – Ma An

AARON WILLIAMS;  
JASON L. FAULK, Individually and as an Employee  
or Agent of Southwest International Trucks, Inc. and/or  
Design Transportation Services, Inc.;  
SOUTHWEST INTERNATIONAL TRUCKS, INC.; and  
DESIGN TRANSPORTATION SERVICES, INC.

RULE 16(b) JOINT SCHEDULING ORDER

Pursuant to the scheduling conference written notice, the parties hereby provide notice to this Honorable Court that Plaintiff has objected to the subject matter jurisdiction of this Court based upon improper removal pursuant to 28 U.S.C § 1447 and 28 U.S.C. § 1446(a). Plaintiff's Motion for Remand has yet to be ruled upon. Although Plaintiff is not waiving this objection, Plaintiff wishes to abide by the Order of the Court to enter into a Scheduling Order. Furthermore, Defendant Aaron Williams has been served with the Complaint and has yet to file an Answer or participate in this litigation. Upon information and belief Defendant Williams is incarcerated at the Shelby County Division of Corrections. As such, the undersigned parties have agreed to the following dates as the final dates for:

**INITIAL DISCLOSURES (RULE 26(a)(1):** December 29, 2005.

**JOINING PARTIES:**

(a) for Plaintiffs: February 13, 2006  
(b) for Defendants: March 13, 2006

Document entered  
in compliance

12-12-05

11

**AMENDING PLEADINGS:**

- |     |                 |                   |
|-----|-----------------|-------------------|
| (a) | for Plaintiffs: | February 13, 2006 |
| (b) | for Defendants: | March 13, 2006    |

**COMPLETING ALL DISCOVERY:**

- (a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and REQUESTS FOR ADMISSIONS:** June 12, 2006

(b) **EXPERT DISCLOSURE (Rule 26(a)(2)):**

- |       |                                   |                |
|-------|-----------------------------------|----------------|
| (i)   | Plaintiffs' Experts:              | April 10, 2006 |
| (ii)  | Defendants' Experts:              | May 8, 2006    |
| (iii) | Supplementation under Rule 26(e): | May 17, 2006   |

- (c) **DEPOSITIONS OF EXPERTS:** June 12, 2006

- FILING DISPOSITIVE MOTIONS:** July 10, 2006

**FINAL LIST OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):**

- |     |                 |                      |
|-----|-----------------|----------------------|
| (a) | for Plaintiffs: | 45 days before trial |
| (b) | for Defendants: | 30 days before trial |

Parties shall have ten (10) days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 3-5 days. The presiding judge will set this matter for **JURY TRIAL**. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

**OTHER RELEVANT MATTERS:**

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for the completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

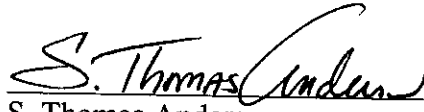
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

***The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.***

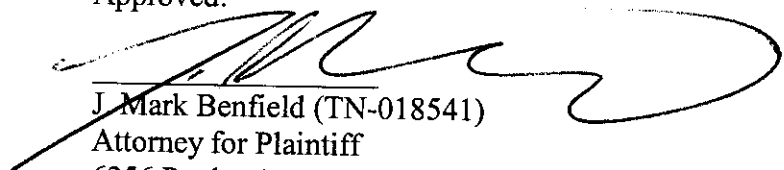
This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

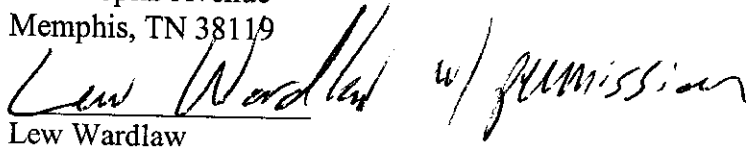
**IT IS SO ORDERED**

  
S. Thomas Anderson  
United States Magistrate Judge

Date: December 07, 2005

Approved:

  
J. Mark Benfield (TN-018541)  
Attorney for Plaintiff  
6256 Poplar Avenue  
Memphis, TN 38119

  
Lew Wardlaw  
Attorney for Defendant Faulk, Southwest International Trucks,  
and Design Transportation Services  
6410 Poplar Avenue, suite 1000  
Memphis, Tennessee 38119



## Notice of Distribution

This notice confirms a copy of the document docketed as number 11 in case 2:05-CV-02667 was distributed by fax, mail, or direct printing on December 12, 2005 to the parties listed.

---

Lee L. Piovarcy  
MARTIN TATE MORROW & MARSTON  
6410 Poplar Ave.  
Ste. 1000  
Memphis, TN 38119

Jonathan Benfield  
BAILEY & CLARKE  
6256 Poplar Avenue  
Memphis, TN 38119

Jimmy Moore  
CIRCUIT COURT, 30TH JUDICIAL DISTRICT  
140 Adams Ave.  
Rm. 224  
Memphis, TN 38103

Andrew C. Clarke  
BAILEY & CLARKE  
6256 Poplar Avenue  
Memphis, TN 38119

John Lewis Wardlaw  
MARTIN TATE MORROW & MARSTON  
6410 Poplar Ave.  
Ste. 1000  
Memphis, TN 38119

Honorable Samuel Mays  
US DISTRICT COURT